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EMPLOYMENT & TECHNICAL EDUCATION & TRAINING DEPARTMENT
NOTIFICATION

The 21st January 2014

SUBJECT—Admission Policy in respect of Ex-servicemen category seats

No. 431—I-TTI-81-2013-(PT-B)-ETET.—In conformity with the prioritization policy for admission to Medical/Professional Colleges in respect of Wards of Defence category communicated by the Ministry of Defence, Government of India vide their D.O. No. 3547-AS(R) 94 dated the 3rd June 1994 and with subsequent recommendation of the Policy Planning Body (PPB) constituted in pursuance of the provisions of the Odisha Professional Educational Institutions (Regulation of Admission & Fixation of Fee) Act, 2007 and in terms of order of the Hon'ble Supreme Court, dated the 1st June 2007 passed in Special Leave Petition (Civil) No. (s) 10318, 10319, 10329 and 10330 of 2007, the following prioritization was followed for admission under Ex-servicemen category in respect of Engineering Colleges for B.Tech. Programme and Government Medical Colleges for MBBS and BDS courses.

Priority-I—Children/Widows of Ex-servicemen killed in action

Priority-II—Children of Ex-servicemen disabled in action

Priority-III—Children/Widows of Ex-servicemen who died in peace time with death attributable to military service.

Priority-IV—Children of Ex-servicemen disabled in peace time with disability attributable to military service.

Priority-V—Children of Ex-servicemen who are in receipt of Gallantry Awards

1. Param Vir Chakra
2. Ashok Chakra
3. Sarvottam Yudh Seva Medal
4. Maha Vir Chakra
5. Kirti Chakra
6. Uttam Yudh Seva Medal
7. Vir Chakra
8. Shaurya Chakra
9. Yudh Seva Medal
10. Sena, Nau Sena, Vayu Sena Medal
11. Mention-in-Despatches

Priority—VI—Children of Ex-servicemen

The above prioritization policy being followed in respect of admission under Ex-servicemen category was challenged before the Hon'ble High Court, Odisha vide W.P.(C) No. 16218/2012. The Hon'ble High Court vide Judgment dated the 30th November 2012 directed as follows :—

“Since the Medical Council of India Act and Regulation and the decision of the Apex Court strictly directed the authoritative to follow-up and adhere the merit list while giving admission into MBBS and BDS courses only and reservation within the reserved seats are also not permissible, therefore, adopting another procedure ignoring the merit list is illegal and violative of the rules of merit for admission into MBBS course.”

The Hon'ble Division Bench of High Court, Odisha vide Judgment dated the 27th September 2013 passed in Writ Appeal No. 386/2013 confirmed the aforesaid Judgment dated the 30th November 2012 of the Learned Single Judge of the Hon'ble High Court, Odisha.

After careful consideration of the aforesaid Judgments of the Hon'ble High Court, Odisha and subsequent recommendation of the Policy Planning Body through its proceedings of meeting dated the 22nd November 2013, Government have been pleased to decide to dispence with the prioritization policy which was being adopted for admission in Engineering and Medical Programmes as regards Ex-servicemen category during previous years forthwith and from the Academic Session 2014-2015 and the admission will be strictly on merit basis in respect of the said category henceforth.

Any clarification on the reservation policy under Ex-servicemen category, if so necessary, the decision of Government in Employment & Technical Education & Training Department is final and binding.

ORDER—Ordered that the Notification is published in an extraordinary issue of the *Odisha Gazette* for general information and copies be forwarded to all of the Departments of the Government and placed in the Website of Emplyment & Technical Education & Training Department.

By order of the Governor

C. S. KUMAR

Commissioner-*cum*-Secretary to Government